

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION

Case No. 2:18-md-2846

Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson

This document relates to:
Birnbaum v. Davol, Inc. et al.
Case No. 2:20-cv-1043

ORDER

This matter is before the Court on Plaintiff's unopposed Amended Motion to Substitute Party. (ECF No. 5.) Rule 25 provides that, "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party." Fed. R. Civ. P. 25(a)(1). "A motion for substitution may be made by any party or by the decedent's successor or representative." *Id.*

Following Plaintiff's death, Terry Birnbaum was appointed the personal representative of her estate. (ECF No. 5.) Plaintiff now moves for the substitution of Terry Birnbaum, as Personal Representative of the Estate of Jenette Birnbaum, as the proper plaintiff. (*Id.*) Plaintiff's unopposed Amended Motion to Substitute is **GRANTED**. The Clerk is directed to substitute Terry Birnbaum, as Personal Representative of the Estate of Jenette Birnbaum, as Plaintiff in place of Jenette Marie Birnbaum. Plaintiff's original Motion to Substitute (ECF No. 4) is **DENIED AS MOOT**.

IT IS SO ORDERED.

4/4/2023
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE